

EXHIBIT 1

Paul Lamp

From: Michael Van Deelen <michaelvandeelen@gmail.com>
Sent: Thursday, June 11, 2015 3:58 PM
To: Paul Lamp
Subject: defamation

Mr. Lamp:

It is my view that you, Mr. Rush and your clients have defamed me in your recent court filings seeking attorneys' fees, particularly in your Defendants' Reply to Plaintiff's Response to Defendants' Motion for Attorney Fees.

In the near future, I will be drafting Defamation Mitigation Act notices and sending them to you, Mr. Rush and your clients.

If you know of any applicable law or statute that precludes me from filing suit against you, Mr. Rush or your clients for defaming me in court filings, please let me know at your earliest convenience.

Thank you.

Michael Van Deelen

EXHIBIT 2

Cory Rush

ATTORNEY-CLIENT PRIVILEGE

Begin forwarded message:

From: Michael Van Deelen <michaelvandeelen@gmail.com>

Date: June 26, 2015 at 12:08:31 PM CDT

To: "James (Jim) W. Cain (jcain@kleinisd.net)" <jcain@kleinisd.net>

Subject: malicious prosecution claim

Mr. Cain:

This is to notify you of a malicious prosecution claim that has accrued as the result of the charges levied against me for assault by touching (initial case number: Klein I.S.D. citation number C11133) being dismissed. The defendants may include Klein ISD, the Klein ISD police department and certain Klein ISD employees and agents including, but not limited to, you, the school board, Mr. Drouillard and Klein ISD attorneys Ellen Spalding and Paul Lamp.

I would like to meet with you to settle this claim at your earliest convenience, but no later than July 17, 2015. If I fail to hear from you or your representative by then, I may file suit against certain of the parties mentioned above, or others. (I may file suit even if I hear from you or your representative.)

In no way does this email relinquish my right to file suit for malicious prosecution against any person or entity, including those mentioned herein.

Sincerely,

Michael Van Deelen
832-562-0723

KISD CONFIDENTIALITY NOTICE: This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

EXHIBIT 3

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
OFFENSE REPORT**
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4266 FAX: 832-249-4019

| | | | | | | | | | | | |
|--|------------------------------|---|-------------------------|----------------------------------|------------------------------|---|------------|--------------------------|------------|-------------|------------|
| LOCATION OF OCCURRENCE / ADDRESS KLEIN FOREST HIGH / 11400 MISTY VALLEY, HOUSTON, TX, near room 619 | | | | | | DATE / TIME REPORTED 02/12/2014 13:24 | | CASE NO 140204 | | | |
| CODE SECTION 22.01(A)(3) PC | | CRIME ASSAULT BY CONTACT | | CLASSIFICATION ASSAULT | | LOSS 0 | | RECOVERY 0 | | | |
| FROM DATE/TIME 02/12/2014 11:55 | | TO DATE/TIME 02/12/2014 11:56 | | APPROVED YES | | CASE STATUS | | | | | |
| ADDITIONAL CATEGORIES <input type="checkbox"/> ALCOHOL RELATED <input type="checkbox"/> DRUGS INVOLVED <input type="checkbox"/> SENIOR CITIZEN <input type="checkbox"/> ARREST OCCURED <input type="checkbox"/> TRAFFIC RELATED <input type="checkbox"/> GROUP/GANG INVOLVED <input type="checkbox"/> WEAPONS INVOLVED <input type="checkbox"/> DOMESTIC VIOLENCE | | | | | | | | | | | |
| ITEMS IN REPORT <input checked="" type="checkbox"/> SUPPLEMENT <input type="checkbox"/> PICTURE/IMAGES <input checked="" type="checkbox"/> FOLLOW UP <input checked="" type="checkbox"/> PROPERTY/EVIDENCE | | | | | | | | | | | |
| COPIES TO <input type="checkbox"/> RECORD CUSTODIAN <input type="checkbox"/> DA INTAKE <input type="checkbox"/> JUV PROBATION <input type="checkbox"/> OTHER <input type="checkbox"/> DEPT OF PUBLIC SAFETY <input checked="" type="checkbox"/> CHIEF <input type="checkbox"/> DA OFFICE <input type="checkbox"/> INSURANCE COPY | | | | | | | | | | | |
| 552.102 | | | | | | | | | | | |
| INV REP | NAME LEWIS, JEREMY | SUFFIX | RACE W | ETHNICITY NONH | SEX M | AGE 37 | DOB | HT | WT | HAIR | EYE |
| SSN | DRIVER'S LIC. NO. | | STUDENT ID | | TYPE ADMINISTRATOR | | | | | | |
| ADDRESS TYPE Work | | STREET NUMBER | STREET NAME | | SUITE NUMBER | CITY KLEIN FOREST | | STATE | ZIP | | |
| PHONES WORK: 832-484-4500; | | | | | | | | | | | |
| INV COM | NAME T, L | SUFFIX | RACE HISPANIC | ETHNICITY HISP | SEX M | AGE | DOB | HT | WT | HAIR | EYE |
| SSN | DRIVER'S LIC. NO. | | STUDENT ID | | TYPE STUDENT | | | | | | |
| ADDRESS TYPE Home | | STREET NUMBER | STREET NAME | | SUITE NUMBER | CITY | | STATE | ZIP | | |
| PHONES HOME: | | | | | | | | | | | |
| INV W11 | NAME | SUFFIX | RACE | ETHNICITY | SEX | AGE | DOB | HT | WT | HAIR | EYE |
| SSN | DRIVER'S LIC. NO. | | STUDENT ID | | TYPE STUDENT | | | | | | |
| ADDRESS TYPE Home | | STREET NUMBER | STREET NAME | | SUITE NUMBER | CITY | | STATE | ZIP | | |
| PHONES HOME: 832-231-3588; | | | | | | | | | | | |
| INV W12 | NAME | SUFFIX | RACE | ETHNICITY | SEX | AGE | DOB | HT | WT | HAIR | EYE |
| SSN | DRIVER'S LIC. NO. | | STUDENT ID | | TYPE STUDENT | | | | | | |
| ADDRESS TYPE Home | | STREET NUMBER | STREET NAME | | SUITE NUMBER | CITY | | STATE | ZIP | | |
| PHONES HOME: | | | | | | | | | | | |
| INV W13 | NAME | SUFFIX | RACE | ETHNICITY | SEX | AGE | DOB | HT | WT | HAIR | EYE |
| SSN | DRIVER'S LIC. NO. | | STUDENT ID | | TYPE STUDENT | | | | | | |
| ADDRESS TYPE Home | | STREET NUMBER | STREET NAME | | SUITE NUMBER | CITY | | STATE | ZIP | | |
| PHONES HOME: | | | | | | | | | | | |
| INV W14 | NAME MURPHY, SUSAN | SUFFIX | RACE W | ETHNICITY NONH | SEX F | AGE 43 | DOB | HT | WT | HAIR | EYE |
| SSN | DRIVER'S LIC. NO. | | STUDENT ID | | TYPE ADMINISTRATOR | | | | | | |
| ADDRESS TYPE Work | | STREET NUMBER | STREET NAME | | SUITE NUMBER | CITY KLEIN FOREST | | STATE | ZIP | | |
| PHONES WORK: 832-484-4500; | | | | | | | | | | | |
| INV | NAME | SUFFIX | RACE | ETHNICITY | SEX | AGE | DOB | HT | WT | HAIR | EYE |
| REPORTING OFFICER RUNNELS, MARLON | | | | | | | | | | | |
| SIGNATURES | | | | | | | | | | | |
| REVIEWED BY ANDREW, JAMES | | | | | | | | | | | |
| APPROVAL DATE 02/26/2014 | | | | | | | | | | | |
| PRINT DATE AND TIME 02/27/2014 08:46 | | | | | | | | | | | |
| PRINTED BY KOLIBA, AMY | | | | | | | | | | | |
| PAGE NO. 1 of 3 | | | | | | | | | | | |

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
OFFENSE REPORT**
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4286 FAX: 832-249-4019

| | | | | | | | | | |
|--|--|-----------------------------|--|-------------------|--|--|--|--------------------|--|
| LOCATION OF OCCURRENCE / ADDRESS KLEIN FOREST HIGH / 11400 MISTY VALLEY, HOUSTON, TX, near room 618 | | | | | | DATE / TIME REPORTED 02/12/2014 13:24 | | CASE NO. 140204 | |
| WIS | | SSN | | DRIVER'S LIC. NO. | | STUDENT ID 547070 | | TYPE STUDENT | |
| ADDRESS TYPE Home | | STREET NUMBER | | STREET NAME | | SUITE NUMBER | | CITY | |
| PHONES HOME: | | | | | | | | STATE | |
| | | | | | | | | ZIP | |
| INV SUS | | NAME VAN DEELEN, MICHAEL | | SUFFIX | | RACE W | | ETHNICITY NONH | |
| SSN | | DRIVER'S LIC. NO. | | STUDENT ID | | AGE 84 | | DOB | |
| ADDRESS TYPE Home | | STREET NUMBER | | STREET NAME | | SUITE NUMBER | | CITY | |
| PHONES HOME: | | | | | | | | STATE | |
| | | | | | | | | ZIP | |
| | | | | | | | | TYPE FACULTY | |

NARRATIVE

INTRODUCTION:

On this date, 2/12/14, at approximately 1:30 p.m., this Officer while on duty at Klein Forest High School was contacted by witness 4, Susan Murphy (Associate Principal), in reference to a possible assault that occurred on the campus.

DETAILS:

Upon meeting with Witness 4, she advised that she was contacted by reportee, Jeremy Lewis (Assistant Principal), who stated that around 11:55 a.m., he stepped out of his office when he heard a large commotion in the hallway. The Reportee stated that he immediately walked down toward room 618 where there was a small group of students gathered.

The Reportee further said that he was told by several of the students who were gathered that suspect, Michael Van Deelen (Teacher), had just grabbed complainant, L T (Student), and shoved him into the lockers, which were on the opposite wall from the classroom door.

This Officer read the prepared statements from Witness 1, (Student); Witness 2, (Student); and Witness 3, (Student) which were collected by the Reportee. In each of those Witness statements they state that they saw the Suspect step out of his classroom door and grab the Complainant by his shirt and physically drive him across the hallway and into the wall of lockers.

This Officer was able to pull Klein Forest High School security cameras # 2 and 98 and view the incident. On the video this Officer saw several students gathered outside of room 618 and then someone opens the door to room 618. When the door opened the Complainant tries to enter the room and then you see the Suspect extend both his arms and physically shove the Complainant back into the hall. After the Complainant is shoved into the hallway, the Suspect grabbed him again and pushed him across the hallway and into the metal lockers, which were adjacent to the classroom door.

This Officer attempted to contact the Complainant's parents to see how they wanted to proceed with the case, but was unable to do so.

ATTACHMENTS:

| | | | | | |
|--------------------------------------|--|---|--|-----------------------------|--|
| REPORTING OFFICER RUNNELS, MARLON | | REVIEWED BY ANDREW, JAMES | | APPROVAL DATE 02/26/2014 | |
| SIGNATURES | | PRINT DATE AND TIME 02/27/2014 08:46 | | PRINTED BY KOLIBA, AMY | |
| | | | | PAGE NO 2 of 3 | |

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
OFFENSE REPORT
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4266 FAX: 832-249-4019**

LOCATION OF OCCURRENCE / ADDRESS**KLEIN FOREST HIGH / 11400 MISTY VALLEY, HOUSTON, TX, near room 618****DATE / TIME REPORTED****02/12/2014 13:24****CASE NO.****140204**

- 1) One statement from the Complainant
- 1) One statement from the Suspect
- 1) One statement each from Witness 1, Witness 2, Witness 5

CASE STATUS:

Open - This Officer will follow-up once the Complainant's parents make a decision.

**REPORTING OFFICER:
RUNNELS, MARLON**
SIGNATURES

**REVIEWED BY
ANDREW, JAMES**

**APPROVAL DATE
02/26/2014**

**PRINT DATE AND TIME
02/27/2014 08:46**

**PRINTED BY
KOLIBA, AMY**

**PAGE NO.
3 of 3**

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
Follow Up Case Report
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4266 FAX: 832-249-4019**

| | | | | |
|--|--|--|-----------------------------------|---|
| | | | Case No. 140204 | |
| Location of Occurrence / Address KLEIN FOREST HIGH/near room 618/11400 MISTY VALLEY, HOUSTON, TX 77066 | | | Cad No. 14-02-12-012317 | Date and Time Reported 02/12/2014 13:24 |
| CODE SECTION 22.01(A)(3) PC | CRIME DESCRIPTION ASSAULT BY CONTACT | CLASSIFICATION ASSAULT | | |
| Status: | Follow up Date: 02/14/2014 | Time From: 06:30 | Time To: 06:40 | |
| NARRATIVE: On this date, 2/14/14, this Officer received the recorded video evidence of the incident from (907). Those items were sealed and placed into the Klein ISD PD evidence lockers. | | | | |
| Reporting Officer RUNNELS, MARLON | | Approved By ANDREW, JAMES | | Approval Date and Time 02/14/2014 13:21 |
| Signatures | | Print Date and Time 02/27/2014 08:47 | Printed By KOLIBA, AMY | Page No. 1 of 5 |

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
Follow Up Case Report
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4266 FAX: 832-249-4019**

| | | |
|--|--|---|
| Location of Occurrence / Address KLEIN FOREST HIGH/near room 518/11400 MISTY VALLEY, HOUSTON, TX 77066 | | Case No. 140204 |
| CODE SECTION 22.01(A)(3) PC | CRIME DESCRIPTION ASSAULT BY CONTACT | Cad No. 14-02-12-012317 |
| Status: | | Date and Time Reported 02/12/2014 13:24 |
| Follow up Date: 02/13/2014 | Time From 11:00 | Time To: 11:40 |

NARRATIVE:

On this date, 2/13/14, this Officer along with Officer C. Palos (917), Witness 4 and the Reportee met with the Complainant's mother, Ms. A T about the incident involving her son. This Officer asked Ms. T if she would like to pursue charges in this case, but she was unable to make a decision. She told this Officer that she needed to speak to the Complainant's sister in California and she would notify this Officer in the morning (2/14/14).

This Officer will generate another follow up once the Complainant's mother makes her decision.

| | | |
|---|--|---|
| Reporting Officer RUNNELS, MARLON | Approved By ANDREW, JAMES | Approval Date and Time 02/14/2014 13:20 |
| Signatures | Print Date and Time 02/27/2014 08:47 | Printed By KOLIBA, AMY |
| | | Page No. 2 of 5 |

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
Follow Up Case Report
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4286 FAX: 832-249-4019**

| | | | | |
|---|--|-------------------------------------|------------------------------------|---|
| | | | Case No. 140204 | |
| Location of Occurrence / Address KLEIN FOREST HIGH/near room 818/11400 MISTY VALLEY, HOUSTON, TX 77068 | | | Call No. 14-02-12-012317 | Date and Time Reported 02/12/2014 13:24 |
| CODE SECTION 22.01(A)(3) PC | CRIME DESCRIPTION ASSAULT BY CONTACT | CLASSIFICATION ASSAULT | | |
| Status | Follow up Date: 02/14/2014 | Time From: 10:00 | Time To: 10:20 | |
| <p>NARRATIVE</p> <p>On this date, 2/14/14, this Officer was contacted by the Complainants mother, Ms. T . Ms. T informed this Officer that after consulting with her family about the issue she would like to file charges in this case on behalf of the Complainant who is a minor.</p> <p>After receiving this information; this Officer contacted the Harris County District Attorney's office and informed Assistant District Attorney Batarse of the details of this investigation. Upon hearing those detail A.D.A. Batarse stated that he would like to decline charges until he views the video of the incident.</p> | | | | |
| Reporting Officer RUNNELS, MARLON | | Approved By ANDREW, JAMES | | Approval Date and Time 02/14/2014 13:21 |
| Signature | Print Date and Time 02/27/2014 08:47 | Printed By KOLIBA, AMY | Page No 3 of 5 | |

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
Follow Up Case Report
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4266 FAX: 832-249-4019**

| | | | |
|---|--|--|---|
| | | Case No. 140204 | |
| Location of Occurrence / Address KLEIN FOREST HIGH/near room 618/11400 MISTY VALLEY, HOUSTON, TX 77066 | | Cad No 14-02-12-012317 | Date and Time Reported 02/12/2014 13:24 |
| CODE SECTION 22.01(A)(3) PC | CRIME DESCRIPTION ASSAULT BY CONTACT | CLASSIFICATION ASSAULT | |
| Status: | Follow Up Date: 02/26/2014 | Time From: 11:00 | Time To: 11:10 |
| NARRATIVE <p>On this date, 2/25/14, at approximately 11:00 a.m., this Officer meet with the Suspect at the Klein ISD Police station located at 7407 Louetta Rd. While at the station, the Suspect was issued Klein ISD Police citation# C11101 for Assault by Contact and he was advised of his court date.</p> <p>This case is now closed.</p> | | | |
| Reporting Officer RUNNELS, MARLON | | Approved By: | |
| | | Approval Date and Time | |
| Signatures | | Print Date and Time 02/27/2014 08:47 | Printed By KOLIBA, AMY |
| | | Page No. 4 of 5 | |

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
Follow Up Case Report
7407 LOUETTA RD., KLEIN, TX, 77379-7238
PHONE: 832-249-4266 FAX: 832-249-4019**

| | | | |
|--|--|------------------------------------|---|
| | | Case No. 140204 | |
| Location of Occurrence / Address KLEIN FOREST HIGH/near room 618/11400 MISTY VALLEY, HOUSTON, TX 77066 | | Case No. 14-02-12-012317 | Date and Time Reported 02/12/2014 13:24 |
| CODE SECTION 22.01(A)(3) PC | CRIME DESCRIPTION ASSAULT BY CONTACT | CLASSIFICATION ASSAULT | |
| Status: | Follow up Date: 02/17/2014 | Time From: 10:50 | Time To: 11:00 |
| NARRATIVE: <p>On this date, 2/14/14, this Officer went to the Harris County DA's office to meet with A.D.A Batarse about the incident. This Officer allowed A.D.A Batarse to view the video of the incident in question. He stated that he would decline the charge of class "A" assault but this Officer could write a class "C" citation for assault if this Officer choose to. This Officer will issue the Suspect Klein ISD Police class "C" citation# 11101 for assault by contact upon locating the Suspect.</p> | | | |
| Reporting Officer RUNNELS, MARLON | | Approved By | |
| | | Approval Date and Time | |
| Signatures | Print Date and Time 02/27/2014 08:47 | Printed By KOLIBA, AMY | Page No 5 of 5 |

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
Supplement Case Report
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4266 FAX: 832-249-4019**

| | | |
|--|--|--|
| | | Case No. 140204 |
| Location of Occurrence / Address KLEIN FOREST HIGH/near room 618/11400 MISTY VALLEY, HOUSTON, TX 77066 | | Cad No. 14-02-12-012317 Date and Time Reported 02/12/2014 13:24 |
| CODE SECTION 22.01(A)(3) PC | CRIME DESCRIPTION ASSAULT BY CONTACT | CLASSIFICATION ASSAULT |
| Supplement Narrative <p>On February 13, 2014, at approximately 11:35 a.m., I, Sergeant J.C. Andrew, made two copies of video surveillance evidence in reference to this case. Both copies are marked with case number 140204 and one labeled Original Copy the other labeled D.A. Copy.</p> | | |
| Reporting Officer ANDREW, JAMES | Supplement Date and Time Reported 02/13/2014 11:46 | Reviewed By ANDREW, JAMES |
| Signatures | Print Date and Time 02/27/2014 08:47 | Printed By KOLIBA, AMY Approval Date and Time 02/26/2014 14:37 Page No. 1 of 1 |

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT**
Property case report
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4286 FAX: 832-249-4019

| | | | | | |
|------------------|-----------------------------------|---------------|--|-----------------|-----------------|
| CASE # | 140204 | INCIDENT # | 14-02-12-012317 | OFFICER | RUNNELS, MARLON |
| DATE OF REPORT | 02/12/2014 | CRIME | ASSAULT ASSAULT BY CONTACT | | |
| ITEM # | 1 | PROPERTY TYPE | MISCELLANEOUS-MISCEL LANECUS PROPERTY | PROPERTY STATUS | |
| PROPERTY # | 1 | QUANTITY | 2 | VALUE | 0.00 |
| MAKE | | MODEL | | | |
| DESCRIPTION: | 2) recorded DVD's of the Incident | | | | |
| NOTES: | | | | | |
| SERIAL # | | STORED AT | | RECOVERY VALUE | 0 |
| NCIC | | ENTERED ON: | | RECOVERED ON | |
| OWNER APPLIED # | | DISPOSED ON: | | REVIEW DATE | |
| DISPOSITION: | | | | | |
| DATE FOUND | 00:00:00 | | | | |
| LOCATION | | | | | |
| ASSOCIATED WITH: | | | | | |
| NAME | T , L | | | | |
| ADDRESS | | | | | |
| HOME PHONE | | | | | |
| WORK PHONE | | | | | |
| TOTAL ITEMS 1 | | | | | |

WITNESS STATEMENT

STATE OF TEXAS
COUNTY OF HARRIS

Complaint
140204

Before me, the undersigned authority in and for the State of Texas on this the 12 day of Feb
A.D. 2010, personally appeared _____, whose date of birth is Feb 22
and who after being duly sworn, deposes and says:

My full name is: L T
(print)

I went to class late with a tardy and their
was a knocking on the door and I showed
up and he ~~started~~ begs telling I couldn't go
in and out of nowhere he just grabbed and tried
to hang my head on the wall.

This is a true and accurate statement to the best of my knowledge regarding the incident above. I realize that any false statement made
under oath is a violation of Penal Code Section 37.02 pertaining to perjury.

I can read and write the English language and have read the statement which I have made consisting of 1 pages and find it to be true
and correct to the best of my knowledge.

(Signature)

Sworn and subscribed to, before me the undersigned authority in and for the State of Texas on this the ____th day of ____ A.D.
2010,

My commission expires: _____

Notary Public in and for the State of Texas
(Seal)

Suspect

140204

NANCE, MICHELLE 1

From: VAN DEELEN, MICHAEL 1
Sent: Wednesday, February 12, 2014 1:18 PM
To: LEWIS, JEREMY 1; CRITTENDON, PATRICIA 1; NANCE, MICHELLE 1; MURPHY, SUSAN 1 (Klein Forest AP)
Cc: [redacted] 552.137
Subject: witness statement from February 12, 2014
Attachments: 021214 Witness Statement.docx

Please see the attached witness statement.

Suspect
140204

WITNESS STATEMENT

On this date, 2/12/14, Michael Van Deelen, whose birth date is [] 552.102
made the following report:

Date of incident: 2/12/14

Time of incident: about 11:50 a.m.

Location of incident: Room 618, Klein Forest High School

... is a student in my 5th period Geometry class. ... is absent much of the time. When ... does come to class, ... spends ... time distracting the class with constant talking which include disrespectful statements to me. ... told me last week that ... has transferred to Klein Forest recently from ... At ..., according to ... was expelled from high school this year on the second day of school for fighting.

Yesterday, ... was late to class so I instructed ... to go get a tardy slip. When ... returned to class, the door was locked and ... began to pound on the door very loudly and repeatedly. I instructed ... to go to Mr. Lewis' office as ... demeanor, past history and language caused me to fear for the safety of my students and me.

Today, the same events occurred. ... was late to class so I instructed ... to get a tardy. When ... came back with the pass, ... began to bang repeated and loudly on the door again. I again instructed ... to go to Mr. Lewis' office as ... demeanor, past history and language caused me to fear for the safety of my students and me.

While this was happening, another student who had gotten a tardy pass wanted to enter my room. I told _____ could enter when I opened the door. I instructed _____, who had not left, not to enter my room when I opened the door for the other student to enter. I then opened the door for the other student to enter, which _____ did. At that point, I was standing in the doorway and I again told _____ that _____ could not enter my classroom and I again instructed _____ to go to Mr. Lewis' office.

At that point, _____ became enraged. _____ told me that _____ was going to 'stick' me, which I interpreted as _____ telling me that _____ was going to knife me. _____ also angrily said some things in Spanish which I did not understand. After _____ said _____ was going to 'stick' me, _____ attempted to gain entrance to my classroom by pushing me out of the way. After _____ battered me, I pushed _____ across the hallway and pinned _____ up against the wall (lockers) and held _____ there. Shortly after I had done this, Mr. Lewis came on the scene and took _____ away.

I went back into my classroom and gave my students a test.

This is a true and accurate statement to the best of my knowledge regarding the incident above. I realize that any false statement made under oath is a violation of Penal Code Section 7.02 pertaining to perjury. I can read and write the English language and have read the statement which I have made and find it to be true and correct to the best of my knowledge.

Signature _____

WITNESS STATEMENT

STATE OF TEXAS
COUNTY OF HARRIS

Witness 1
140204

Before me, the undersigned authority in and for the State of Texas on this the 12 day of 02
A.D. 2010, personally appeared _____, whose date of birth is _____
and who after being duly sworn, deposes and says:

My full name is: _____

(print)

Our teacher close the door 1 minute before the bell and he didn't let no one go in to the class. Then the student I was knocking so we could get in and the teacher open the door and started screaming at them but the student I didn't know what to do I think he got scared because the teacher was screaming at him bad. The teacher push him hard and grab him with the two hands and the student went to the wall but the teacher wanted to hit him ~~and~~ and we didn't know what to do by the way he doesn't know how to teach.

This is a true and accurate statement to the best of my knowledge regarding the incident above. I realize that any false statement made under oath is a violation of Penal Code Section 37.02 pertaining to perjury.

I can read and write the English language and have read the statement which I have made consisting of 1 pages and find it to be true and correct to the best of my knowledge.

(Signature) _____

Sworn and subscribed to, before me the undersigned authority in and for the State of Texas on this the _____th day of _____ A.D. 2010.

My commission expires: _____

Notary Public in and for the State of Texas
(Seal)

Witness Statement

Witness 2

140204

**STATE OF TEXAS
COUNTY OF HARRIS**

Before me, the undersigned authority in and for the State of Texas on this the 12 day of Feb A.D. 2012, personally appeared _____, whose date of birth is _____ and who after being duly sworn, deposes and says:

My full name is: _____
(print)

After Mr. Lewis saw two students and I outside the door of the class we went to get a tardy and when we came back he was seeing if we all had tardies he opened the door. I went in first then I was going in after me and the teacher grabbed him and pushed him all the way across the hallway to the wall and started banging I against the wall multiple times until Mr. Lewis came and that's when he stopped.

This is a true and accurate statement to the best of my knowledge regarding the incident above. I realize that any false statement made under oath is a violation of Penal Code Section 37.02 pertaining to perjury.

I can read and write the English language and have read the statement which I have made consisting of 1 pages and find it to be true and correct to the best of my knowledge.

(Signature)

Sworn and subscribed to, before me the undersigned authority in and for the State of Texas on this the ____th day of _____ A.D. 2011.

My commission expires: _____

Notary Public in and for the State of Texas
(Seal)

Witness Statement

Witness 3

1/4/2014

STATE OF TEXAS
COUNTY OF HARRIS

Before me, the undersigned authority in and for the State of Texas on this the 12 day of 02 A.D. 2012, personally appeared _____, whose date of birth is _____ and who after being duly sworn, deposes and says:

My full name is: 1

(print)

~~The teacher wouldn't let us in because he~~
The teacher wouldn't let us in because he
aid that we were late but he closes the door
+ times. So me and L T walked
together to get a tardy and we both walked
together to class when other students were
already there, but they were banging the door
and Mr. V was grumpy and he blamed me
and L for banging the door. So ~~for~~ Mr. V
~~opened~~ open the door but wouldn't let us go
in so L try to go but Mr. V didn't let him
in and pushed him and L pushed him back
self defense. but Mr. V pushed him against
the wall trying to swing but couldn't ~~do~~
and then Mr. V was trying to bang ~~the~~ L
against the wall but he did once but then he
couldn't. I was trying to stop ~~it~~ but I ~~couldn't~~
couldn't

This is a true and accurate statement to the best of my knowledge regarding the incident above. I realize that any false statement made under oath is a violation of Penal Code Section 37.02 pertaining to perjury.

I can read and write the English language and have read the statement which I have made consisting of 1 pages and find it to be true and correct to the best of my knowledge.

(Signature) _____

Sworn and subscribed to, before me the undersigned authority in and for the State of Texas on this the 12th day of _____ A.D. 2011.

My commission expires: _____

Notary Public in and for the State of Texas
(Seal)

Witness Statement

STATE OF TEXAS
COUNTY OF HARRIS

Witness
140204

Before me, the undersigned authority in and for the State of Texas on this the ____ day of ____
A.D. 2010, personally appeared _____, whose date of birth is _____
and who after being duly sworn, deposes and says:

My full name is: _____

(print)

He came back with his tardy and the teacher
said go back and he said he wasn't
and he tried to get into the class and
the teacher grab him by his shirt and
started push him to the wall then
started banging his head against the wall
by his shirt

This is a true and accurate statement to the best of my knowledge regarding the incident above. I realize that any false statement made
under oath is a violation of Penal Code Section 37.02 pertaining to perjury.

I can read and write the English language and have read the statement which I have made consisting of 1 pages and find it to be true
and correct to the best of my knowledge.

(Signature) _____

Sworn and subscribed to, before me the undersigned authority in and for the State of Texas on this the ____ day of ____ A.D.
2010.

My commission expires: _____

Notary Public in and for the State of Texas
(Seal)

NOTES

had a meeting about
how she wanted to proceed

| | | | | |
|---------------|----------------|----------------|----------|-------------|
| INCIDENT | DATE | TIME | INC TYPE | COMPLAINT # |
| | 2/13/14 | 11:00 | | 140204 |
| CIRCUMSTANCES | LOCATION | | | |
| | Parent meeting | | | |
| SUSPECT | NAME LAST | FIRST | MI | |
| | T | A | | |
| OTHER | DOB | SEX | RACE | HT |
| | | | | WT |
| WITNESS | ALIASES | SCARS TATTOOS | | |
| | CLOTHING | ASSOCIATES JOB | | |
| VICTIM | ADDRESS | | | |
| | CITY | STATE ZIP | | |
| VEHICLE | PHONE # | ALT PHONE # | | |
| | DR # | | | |
| VEHICLE | MAKE | MODEL | COLOR | YEAR |
| | VIN # | | | |
| VEHICLE | PLATE # | STATE MO YEAR | | |
| | | | | |

Return to Room

140204

DA decline

Case Decline Report

DECLINATION

Defendant First: MICHAEL**Defendant Last: VAN DEELEN****Date of Offense: 2/12/2014****Date of Reject: 2/14/2014****Offense: ASSAULT****Officer First: MARLON****Officer Last: RUNNELS****Agency: KLEIN ISD POLICE DEPARTMENT****Witness First: L****Witness Last: T****ADA First: L****ADA Last: BATARSE****OR #: TX****Reason:**

Suspect Michael Van Deelen is a 64 year old teacher at Klein Forest High School and is accused of assaulting a 16 year old student. Several students were late to class, including complainant L T. Suspect advised the students they were not allowed to come into the classroom because they were late, which he is authorized to do under the school guidelines. One of the students presented a tardy slip and the suspect allowed him to enter the class. Complainant tried to follow that student into the classroom and suspect told him not to enter. Complainant continued to enter the classroom without permission. Suspect then pushed the complainant out of the classroom. Video surveillance provided by the officer shows the suspect pushing the complainant by the shoulders until he hits the lockers behind him. Suspect pushes the complainant against the locker two times after he hits the locker. In a written statement, complainant states that the suspect was "trying" to bang his head against the locker. Complainant does not include in his written statement anything about feeling pain. Officer states he was advised by the complainant that it kind of hurt, that it was not a serious pain, just that he could feel it when it happened. Suspect states that complainant threatened him in Spanish, saying that he was going to "stick" the suspect. Complainant states he did not threaten the teacher, and student witnesses stated they did not hear the threat. I am declining the case for several reasons, including, Section 9.62 Texas Penal Code which allows an educator to use force against a student when and to the degree the actor reasonably believes the force is necessary to maintain discipline in a group. Complainant acknowledges in his statement that suspect told him not to enter. He did not follow a direct instruction from the teacher and the teacher responded by removing him from the class. I also do not believe we can prove that the suspect caused bodily injury. The complainant has not clearly articulated that the suspect caused him any injury, qualifying a small amount of pain, if that. I advised the officer that if he believes it is appropriate he may file a Class C Assault Offensive Touching.

**KLEIN INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
Follow Up Case Report
7407 LOUETTA RD., KLEIN, TX, 77379-7239
PHONE: 832-249-4266 FAX: 832-249-4019**

| | | |
|--|-------------------------------------|---|
| | | Case No. 140204 |
| Location of Occurrence / Address KLEIN FOREST HIGH/near room 618/11400 MISTY VALLEY, HOUSTON, TX 77088 | | Cad No. 14-02-12-012317 |
| CODE SECTION 22.01(A)(3) PC | | CRIME DESCRIPTION ASSAULT BY CONTACT |
| CLASSIFICATION ASSAULT | | Date and Time Reported 02/12/2014 13:24 |
| Status: | Follow up Date 02/26/2014 | Time From: 11:00 |
| | | Time To: 11:10 |

NARRATIVE

On this date, 2/25/14, at approximately 11:00 a.m., this Officer meet with the Suspect at the Klein ISD Police station located at 7407 Louetta Rd. While at the station, the Suspect was issued Klein ISD Police citation# C11101 for Assault by Contact and he was advised of his court date.

This case is now closed.

| | | |
|---|--|--|
| Reporting Officer RUNNELS, MARLON | Approved By: | Approval Date and Time DRAFT |
| Signatures | Print Date and Time 02/26/2014 12:18 | Printed By RUNNELS, MARLON |
| | | Page No. 1 of 1 |

552.102

662.1

Arrestable YES ☒ NO ☐ 140.204

Case Number: 140.204

KLEIN I.S.D. POLICE DEPARTMENT
CLASS "C" CITATION (552.102) Citation Number: C11101

Date: 2/12/14 Time: 11:50 am TX State: TX Date of Birth: [redacted] Hair: [redacted] Eyes: [redacted]

County: [redacted] Driver License Number: [redacted] Race: [redacted] Sex: [redacted] Height: [redacted] Weight: [redacted]

Last Name: [redacted] First Name: Michael Middle: [redacted]

Home Address: [redacted] City: [redacted] State: [redacted] Zip: [redacted] Home Phone: [redacted]

☐ Disorderly Conduct By
☐ Minor in Possession of Tobacco Products H.B.C. 181.262
☐ Possession of Tobacco Products on School Property E.C. 38.005
☐ Minor in Possession of Alcoholic Beverage A.B.C. 106.05
☐ Violation

☐ Assault by Contact P.C. 22.01
☐ Assault by Threat P.C. 22.01
☐ Trespass on School Property E.C. 37.107
☐ Disruption of Transportation E.C. 37.128
☐ Theft under \$50.00

☐ Violation

Weather: [redacted] Other Conditions: [redacted]

Location: 11400 Mist Valley Dr Houston, TX 77066

Officer's Signature: M. Rinaldi Badge No. 135 Unit 921

You are notified to appear in Justice Court, Pct. 4, Pos. 1, on 3/20/14, at 7:00 pm ☒ When Notified

Victor's Signature: M. Van Dusen

Violator See Reverse

POLICE DEPT. COPY

EXHIBIT 4

Transcript of Judgment from Justice's Court – (STATE CASE)PRECINCT NO. 4, HARRIS COUNTY, TEXAS, William Yeoman, Justice of Peace

THE STATE OF TEXAS

Vs

Michael D. Van Deelen
6014 Capella Park Dr.
Spring, TX 77379Case CR41C3824958Chris Condon
State's AttorneyN/A

Defendant's Attorney

Complaint Filed the 22nd day of April, 20 14Made by Marlon Runnels – Klein ISDAgainst Michael D. Van DeelenCharged With Assault by Contact

Warrant Issued the _____ day of _____, 20 _____

Placed in Hands of _____

Returned _____ Executed _____ day of _____, 20 _____

Subpoena Issued the _____ day of _____, 20 _____

Returned _____ Executed _____ day of _____, 20 _____

On this the 16th day of October, 20 14, this cause came on to be heard. The State ofTexas by Mr. Chris Condon, and the Defendant byMichael D. Van Deelen and the defendant announcedready for trial, and a jury having been waived the Court proceeded to hear the pleading and evidence submitted, and after hearing same, finds the defendant guilty on a plea of Not Guilty and assessed a fine of \$ 1.00 and costs, to all of which the defendant excepts and gives notice of appeal to the County Court at Law of Harris County, Texas.

WILLIAM YEOMAN, Special presiding judge for J. KENT ADAMS, Justice of the Peace, Precinct No. 4, Harris County, Texas

Chris Daniel
District Clerk

NOV 03 2014

Time:

By _____

Harris County, Texas

Deputy

THE STATE OF TEXAS
County of HarrisI, William Yeoman

| | |
|---------------------------------|--------------|
| Jury Fee | 5.00 |
| Klein ISD PD | 5.00 |
| Consolidated Court Costs | 40.00 |
| Courthouse Security 2006 | 4.00 |
| Juror Reimbursement Fee | 4.00 |
| Judicial Support 2008 | 6.00 |
| Justice Court Technology Fee | 4.00 |
| Juvenile Case Manager Fee | 5.00 |
| Indigent Defense Rep. Fund | 2.00 |
| Tuency Prevention and Div. Fund | 2.00 |
| TOTAL COSTS | 77.00 |

Justice of the Peace, do hereby certify that the above and foregoing is a true and correct Transcript of the entries on my Docket, in Cause No. CR41C3824958 in the cause of STATE OF TEXAS vs Michael D. Van Deelen.Witnessed my official signature at Spring, TX this 5th day of November, 20 14.

WILLIAM YEOMAN, special presiding judge for J. KENT ADAMS, Justice of the Peace, Precinct No. 4, Harris County, Texas.

NO. CR41C3824958

**IN JUSTICE'S COURT
PRECINCT NO. 4
Harris County**

**TRANSCRIPT of JUDGMENT
(State Case)**

**THE STATE OF TEXAS
VS.**

**MICHAEL D. VAN DEELEN
6014 CAPELLA PARK DR.
SPRING, TX 77379**

Filed 5 day of NOVEMBER, 2014

**WILLIAM YEOMAN, special presiding judge for J.P.
PRECINCT NO. 4, Harris County**

OFFENSE: AssaultCAUSE NO. 1994252

THE STATE OF TEXAS

IN THE _____ DISTRICT COURT
IN COUNTY CRIMINAL COURT AT LAW NO. 5

VS.

Michael Van DeelenOF
HARRIS COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas, by and through her District Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action for the following reason:

- ☐ The Defendant was convicted in another case.
- ☐ In custody elsewhere.
- ☐ Old case, no arrest.
- ☐ Missing witness.
- ☒ Request of complaining witness.
- ☐ Motion to suppress granted.
- ☐ Co-Defendant tried, this Defendant testify.
- ☐ Insufficient evidence.
- ☐ Co-Defendant convicted, insufficient evidence this Defendant.
- ☐ Case refiled as cause no. _____
- ☐ Other.

FILEDChris Daniel
District Clerk

JUN 26 2015

Time: _____
Harris County, TexasBy _____
Deputy

EXPLANATION: PC exists + there is adequate evidence to support a conviction i a trial on the denovo appeal of the defendant's original conviction o this charge. This dismissal is based solely on the request of the complainant due to the personal/financial hardship imposed upon him by trial

WHEREFORE, PREMISES CONSIDERED, it is requested that the above entitled and numbered cause be dismissed.

Respectfully submitted,


Assistant District Attorney
Harris County, Texas

ORDER

The foregoing motion having been presented to me on this the 26 day of June, A.D. 2015 and the same having been considered, it is, therefore, ORDERED, ADJUDGED, and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

JUDGE

DISTRICT COURT
COUNTY CRIMINAL COURT AT LAW NO. 5
HARRIS COUNTY, TEXAS

Certified Document Number: 66016341 - Page 1 of 1

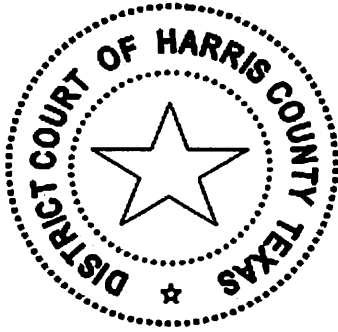
White-Original

Yellow-Defendant's Copy

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

Pink-State's Copy

11-147-(06/03)
A



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this June 30, 2015

Certified Document Number: 66016341 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

EXHIBIT 5

Paul Lamp

From: Michael Van Deelen <michaelvandeelen@gmail.com>
Sent: Monday, June 29, 2015 2:45 PM
To: Paul Lamp
Subject: amended suit

Mr.Lamp:

My intention is to amend and refile at a later date.

Regards,

Michael Van Deelen

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Michael D. Van Deelen,

Plaintiff,

VS.

**William Pilkington and
Marva Pilkington and
Kaye Parker**

Defendants

Case No. 4:14-CV-2771

Jury

United States Courts
Southern District of Texas
FILED

JUN 29 2015

David J. Bradley, Clerk of Court

NOTICE OF DISMISSAL WITHOUT PREJUDICE

COMES NOW the plaintiff, Michael D. Van Deelen, and dismisses the above-captioned action without prejudice against all defendants pursuant to Fed. Rules Civ. Proc. Rule 41(a)(1)(A)(i) and Rule 41(a)(1)(B).

Respectfully submitted:

Mirza D. Va Dab

Michael D. Van Deelen
6014 Capella Park Drive
Spring, Texas 77379
(832) 562-0723

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2015, I filed the foregoing document with the Clerk of Court. I further certify that on the same date I emailed the forgoing document to Paul Lamp (PLamp@rmgllp.com), attorney for all defendants, pursuant to my agreement with him to email filings.


Michael D. Van Deelen

EXHIBIT 6



PACER
Case Locator

All Court Types Party Search
Mon Jun 29 14:03:56 2015
23 records found

User: fr0108
Client: TEX01-484
Search: All Court Types Party Search Name Van Deelen, Michael All Courts Page: 1 sort: cs_date_filed

Civil Results

| Party Name | Court | Case | NOS | Date Filed ▼ | Date Closed |
|--|--------|------------------------|-----|--------------|-------------|
| 1 Van Deelen, Michael (pla) Van Deelen v. Eudora Amateur | ksdce | <u>2:1993-cv-02319</u> | 440 | 07/26/1993 | 09/23/1993 |
| 2 Van Deelen, Michael D. (pla) Van Deelen, et al v. Martin | ksdce | <u>2:1997-cv-02358</u> | 440 | 07/21/1997 | 10/17/1997 |
| 3 Van Deelen, Michael D. (pla) Van Deelen v. Shawnee Mission Un, et al | ksdce | <u>2:2003-cv-02018</u> | 440 | 01/14/2003 | 02/18/2004 |
| 4 Van Deelen, Michael D. (pla) Van Deelen v. Arnold-Burger et al | ksdce | <u>6:2003-cv-01322</u> | 440 | 09/08/2003 | 10/20/2003 |
| 5 Van Deelen, Michael D. (pla) Van Deelen v. McAnany | ksdce | <u>6:2003-cv-01408</u> | 440 | 11/10/2003 | 01/27/2004 |
| 6 Van Deelen, Michael D. (pla) Van Deelen v. City of Kansas City, Missouri et al | mowdce | <u>4:2004-cv-00989</u> | 440 | 11/01/2004 | 03/03/2006 |
| 7 Van Deelen, Michael D. (pla) Van Deelen v. Fairchild et al | ksdce | <u>2:2005-cv-02017</u> | 440 | 01/13/2005 | 12/01/2005 |
| 8 Van Deelen, Michael D. (pla) Van Deelen v. City of Kansas City, Missouri et al | ksdce | <u>2:2005-cv-02028</u> | 440 | 01/19/2005 | 07/25/2006 |
| 9 Van Deelen, Michael D. (pla) Van Deelen v. Johnson et al | ksdce | <u>2:2005-cv-02052</u> | 440 | 02/03/2005 | 03/18/2005 |
| 10 Van Deelen, Michael D. (pla) Van Deelen v. Johnson et al | ksdce | <u>5:2005-cv-04039</u> | 440 | 04/01/2005 | 11/10/2008 |
| 11 Van Deelen, Michael D. (pla) Van Deelen v. Fenner | mowdce | <u>4:2006-cv-00162</u> | 440 | 02/23/2006 | 02/27/2006 |
| 12 Van Deelen, Michael D (aty) Van Deelen v. Alamogordo Public Schools | nmdce | <u>6:2007-cv-00171</u> | 440 | 02/20/2007 | 12/29/2008 |
| 13 Van Deelen, Michael D (pla) Van Deelen v. Alamogordo Public Schools | nmdce | <u>6:2007-cv-00171</u> | 440 | 02/20/2007 | 12/29/2008 |
| 14 Van Deelen, Michael D (aty) Van Deelen v. Truth or Consequences Board of Education et al | nmdce | <u>1:2008-cv-00290</u> | 440 | 03/19/2008 | 07/31/2008 |
| 15 Van Deelen, Michael D (pla) Van Deelen v. Truth or Consequences Board of Education et al | nmdce | <u>1:2008-cv-00290</u> | 440 | 03/19/2008 | 07/31/2008 |
| 16 Van Deelen, Michael D (pla) Van Deelen v. Cain et al | txsdce | <u>4:2014-cv-00923</u> | 440 | 04/08/2014 | 03/31/2015 |
| 17 Van Deelen, Michael D (pla) Van Deelen v. Pilkington et al | txsdce | <u>4:2014-cv-02771</u> | 440 | 09/29/2014 | |

Appellate Results

| Party Name | Court | Case | NOS | Date Filed ▼ | Date Closed |
|---|-------|-----------------|------|--------------|-------------|
| 18 Van Deelen, Michael D. (pty) Van Deelen v. Shawnee Mission Un., et al | 10cae | <u>04-3236</u> | 3440 | 07/08/2004 | 08/18/2004 |
| 19 Van Deelen, Michael D. (pty) Van Deelen v. Fairchild, et al | 10cae | <u>05-3468</u> | 3440 | 12/12/2005 | 08/31/2006 |
| 20 Van Deelen, Michael D. (pty) Michael D Van Deelen v. City of Kansas City, et al | 08cae | <u>06-1896</u> | 3440 | 04/03/2006 | 10/19/2007 |
| 21 Van Deelen, Michael D. (pty) Michael D Van Deelen v. City of Kansas City, et al | 08cae | <u>06-3058</u> | 3440 | 08/15/2006 | 10/19/2007 |
| 22 Van Deelen, Michael D. (pty) Van Deelen v. Johnson, et al | 10cae | <u>06-3305</u> | 3440 | 08/28/2006 | 08/14/2007 |
| 23 Van Deelen, Michael D. (pty) Michael Van Deelen v. James Cain, et al | 05cae | <u>15-20197</u> | 3440 | 04/13/2015 | |

Receipt 06/29/2015 14:04:23

User fr0108
Client TEX01-484
Description All Court Types Party Search
Name Van Deelen, Michael All Courts Page: 1 sort: cs_date_filed

You have previously been billed for this page.

Pages 1 (\$0.00)

EXHIBIT 7

RECORDER'S MEMORANDUM
This instrument is of peer quality
at the time of imaging

2014 08791
CAUSE NO. _____

7P
FILED
Chris Daniel
District Clerk
FEB 21 2014
Time: _____
By: _____
Harris County, Texas
Deputy

MICHAEL VAN DEELEN
Plaintiff,

V.

I T
Defendant.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

189 JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Michael Van Deelen brings this lawsuit complaining of L T
and respectfully shows the Court the following:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of
Civil Procedure 190.3.

**II.
PARTIES**

2. Plaintiff is an individual residing in Harris County, Texas.

3. Defendant I is an individual residing in Harris County, Texas. He
may be served with process at

9774312

CONFIRMED FILE DATE: 2/21/2014

**III.
JURISDICTION AND VENUE**

4. Venue is proper in Harris County, Texas, because all or substantially all of the Plaintiff's cause of action accrued in Harris County, Texas, and the Plaintiff is a resident of Harris County, Texas.

5. This Court has jurisdiction of this case because the Plaintiff's damages exceed the minimum jurisdictional limits of this Court.

**IV.
FACTUAL BACKGROUND**

6. Plaintiff is a first-year teacher at Klein Forest High School. During the first semester of the current school year, Plaintiff taught PreCalculus to juniors and seniors at Klein Forest.

7. Defendant T. is a student at Kline Forest High School.

8. Mr. Mario Cruz was a first-year teacher at Kline Forest High School during the first semester of the current school year. Mr. Cruz taught Geometry to five periods of students. Defendant T. was in Mr. Cruz's fifth period Geometry class.

9. Student behavior was so bad in Mr. Cruz's fifth and seventh period Geometry classes that he resigned at the end of the first semester of the current school year. Mr. Cruz no longer teaches at Kline Forest High School. Defendant T. is believed to be one of Mr. Cruz's fifth period students who continually disrupted the learning process and who was one of the students whose behavior caused Mr. Cruz to resign his teaching position at Kline Forest High School.

10. Because there was a need for a Geometry teacher to take Mr. Cruz's classes during the second semester and because there was an abundance of PreCalculus teachers,

Plaintiff was directed to take over Mr. Cruz's full schedule of Geometry classes beginning the second semester of the current school year.

11. In January, 2014, Plaintiff took over Mr. Cruz's Geometry classes. The behavior of the fifth period class remained abysmal. One of the worst-behaving students was Defendant T. He was absent much of the time. When he did come to class, Defendant T spent the majority of his time distracting the class with constant talking which included vulgar, disrespectful, comments directed at the Plaintiff.

12. On February 11, 2014, Defendant T was late to class so Plaintiff instructed him to go get a tardy slip from the Assistant Principal. (Getting tardy slips for students late to class was a common, well-known, procedure instituted by the Kline Forest administration as a method of tracking tardy students.) Because Defendant T did not want to get a tardy slip, he spent several minutes verbally abusing Plaintiff through the locked classroom door. (The door has a window through which persons can see in and out of the classroom.)

13. When Defendant T returned to class, the door was locked (per school procedure). This caused Defendant T to become enraged and he began to pound on the door loudly and repeatedly. Defendant T directed verbally abusive language at Plaintiff through the door. Plaintiff instructed Defendant T to go to the office of an Assistant Principal (Mr. Jeremy Lewis) because Defendant T's demeanor, past history of violent behavior and abusive language caused Plaintiff to fear for the safety of his students and himself. Plaintiff did not let Defendant T enter the classroom.

14. The following day (February 12, 2014), the same sequence of events occurred. Defendant T was late to class so Plaintiff instructed him to go get a tardy slip from an Assistant Principal. Because Defendant T did not want to get a tardy slip, he spent several minutes verbally abusing Plaintiff through the locked classroom door. When Defendant T eventually came back with a tardy slip, he began banging loudly and repeatedly on the door as he had done the previous day. He again directed verbally abusive language at Plaintiff through the locked classroom door. As he did the previous day, Plaintiff instructed Defendant T to go to Mr. Lewis' office because Defendant T's demeanor, past history of violent behavior and abusive language caused Plaintiff to fear for the safety of his students and himself. Plaintiff told Defendant T through the locked classroom door that he could not enter Plaintiff's classroom.

15. While this was happening, another student who had gotten a tardy slip without complaining came to the door and requested to enter Plaintiff's room. Plaintiff told the student that he could enter as soon as Plaintiff opened the door. Before Plaintiff opened the door, he instructed Defendant T not to enter the classroom when Plaintiff opened the door for the other student. Plaintiff then opened the door for the other student to enter, which he did. At that point, Plaintiff was standing in the doorway and again told Defendant T that he could not enter Plaintiff's classroom and again instructed Defendant T to report to Mr. Lewis' office.

16. At that point, Defendant T became even more enraged. Defendant Trigueros told Plaintiff that Defendant T was going to 'stick' the Plaintiff. Plaintiff interpreted this to mean that Defendant T was going to attack Plaintiff

with a knife. (Defendant T has a tattoo on his neck which Plaintiff believes may be a gang tattoo.) After defendant T told plaintiff that Defendant T was going to 'stick' the Plaintiff, Defendant T attempted to gain entrance to Plaintiff's classroom by pushing Plaintiff out of the way. After Defendant T battered the Plaintiff, Plaintiff, thinking that Defendant T had a knife in his possession and fearing for the safety of his students and himself, pushed defendant T across the hallway and pinned him up against the wall (lockers) and held him there until help arrived.

**V.
COUNT 1
ASSAULT**

17. The plaintiff incorporates all of the foregoing by reference herein.

18. Defendant T assaulted the Plaintiff when Defendant T told the Plaintiff that Defendant T was going to 'stick' the plaintiff and when defendant T acted in a threatening, abusive, manner while trying to gain entrance into Plaintiff's classroom.

**VI.
COUNT 2
BATTERY**

19. The plaintiff incorporates all of the foregoing by reference herein.

20. Defendant T battered the Plaintiff when Defendant T pushed the Plaintiff while trying to gain entrance into Plaintiff's classroom.

**VII.
DAMAGES AND EXEMPLARY DAMAGES**

21. The Plaintiff has been damaged by Defendant T ' actions against him. Defendant T injured the Plaintiff, who is sixty-four years old, when Defendant T pushed the Plaintiff while trying to gain entrance into Plaintiff's classroom. The Plaintiff has also suffered mental distress, anguish, headaches, sleeplessness and a rapid heartbeat as the result of Defendant T ' actions against him.

22. Plaintiff sues for actual damages proximately caused or otherwise produced by Defendant T ' conduct as detailed herein. Plaintiff also sues for past and future lost wages and lost earning or employment capacity.

23. Defendant T ' conduct as described herein was extreme and outrageous and done with reckless disregard for the rights and welfare of the Plaintiff. At all material times, Defendant T acted with malice against the Plaintiff with a specific intent to cause substantial injury. Defendant T ' improper actions against the Plaintiff were done with conscious indifference to the rights, safety and welfare of the Plaintiff. Plaintiff is therefore entitled to recover exemplary damages and Plaintiff sues Defendant T for the maximum amount of punitive damages possible from a jury in light of all relevant factors considered in determining such an award.

**VIII.
JURY DEMAND**

24. Plaintiff demands a trial by jury and submits the appropriate fee.

**IX.
REQUEST FOR DISCLOSURES**

25. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant
Ti is requested to disclose, within fifty (50) days of service of this request, the
information or material described in Texas Rules of Civil Procedure Rule 194.2 (a) – (l).

**X.
PRAYER**

26. Plaintiff requests that Defendant T be cited to appear and answer and
that on final trial the Plaintiff have the following:

1. Judgment against Defendant T for actual damages in a sum within the
jurisdictional limits of the court.
2. Judgment for punitive damages against Defendant T in a sum
determined by the trier of fact.
3. Pre-judgment and post-judgment interest as provided by law.
4. Costs of suit.
5. Such other and further relief that the Court deems just and proper.

Respectfully submitted,

By: Michael Van Deelen
MICHAEL VAN DEELEN

6014 Capella Park Drive,
Spring, TX 77379
(832) 562-0723
Plaintiff pro se

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

2015 - 25336

CAUSE NO. _____

FILED
Chris Daniel
District Clerk
MAY 01 2015
Time: 11:20
By: [Signature] Harris County, Texas
Deputy
Pg. 6

MICHAEL VAN DEELEN
Plaintiff,

V.

K S
L S
Defendants

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IN THE DISTRICT COURT

215 JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Michael Van Deelen brings this lawsuit complaining of K

S and L S and respectfully shows the Court the following:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure 190.3.

**II.
PARTIES**

2. Plaintiff is an individual residing in Harris County, Texas.

3. Defendant K S is an individual residing in Harris County, Texas. He may be served with process at

4. Defendant L S is an individual residing in Harris County, Texas. She may be served with process at

**III.
JURISDICTION AND VENUE**

5. Venue is proper in Harris County, Texas, because all or substantially all of the Plaintiff's cause of action accrued in Harris County, Texas, and the Plaintiff is a resident of Harris County, Texas.

6. This Court has jurisdiction of this case because the Plaintiff's damages exceed the minimum jurisdictional limits of this Court.

**IV.
FACTUAL BACKGROUND**

7. K S, the son of defendants of K S and L S, was a student in Plaintiff's fifth period Geometry class at Klein Forest High School in 2014.

8. K S was continually disruptive in Plaintiff's class and refused to take any direction from Plaintiff. K S constantly disrupted the class by refusing to stop talking to his fellow students, by refusing to turn around and face the front of the room where Plaintiff was attempting to give instruction, by verbally abusing the Plaintiff and by frequently getting up and moving about the room as if Plaintiff were not even there. K S would also come to class with his pants pulled way down below his waist in violation of Klein Forest's dress code. K S refused any and all attempts by Plaintiff to get him to stop being disruptive. On January 22, 2014, K S, angry at Plaintiff's attempts to get him to behave, physically threatened the Plaintiff, telling him "You won't be back tomorrow!" After K S's threat, Plaintiff called an assistant principal for assistance, who came to Plaintiff's classroom and removed K S from Plaintiff's classroom.

9. On information and belief, in order to deflect blame for their son's disruptive and threatening behavior, Defendants K S and L S subsequently met with the Klein ISD School Board and intentionally, maliciously and falsely told the Klein ISD School Board that Plaintiff had called their son, K S a 'punk' and a 'moron' and asked him to meet Plaintiff after school to fight during the January 22, 2014, incident in Plaintiff's classroom in which K S physically threatened the plaintiff.

V.
COUNTS 1 AND 2
DEFEMATION AND DEFAMATION PER SE

10. The plaintiff incorporates all of the foregoing by reference herein.

11. On information and belief, Defendants K S and L S intentionally and maliciously published orally and in writing false statements about the Plaintiff that they held out to be fact.

12. On information and belief, the Defendants' false statements about the Plaintiff included statements that the Plaintiff had called their son, K S a 'punk' and a 'moron' and asked him to meet Plaintiff after school to fight during the January 22, 2014, incident in Plaintiff's classroom in which K S physically threatened the plaintiff.

13. On information and belief, the Defendants' false statements about the Plaintiff were made at a Klein ISD School Board meeting on May 12, 2014.

14. On information and belief, the Defendants' false statements about the Plaintiff were made to Klein ISD Superintendent Jim Cain and to Klein ISD School

Board Members Stephen J. Szymczak, Paul Lanham, William F. Pilkington, Georgan Reitmeier, Steven E. Smith, Ronnie K. Anderson, and Rick Mann.

15. On information and belief, Mr. Cain and the School Board members told the Defendants that Plaintiff would be fired after the defendants made the statements to Mr. Cain and the School Board members.

16. On May 14, 2014, Plaintiff was notified by Klein ISD that his teaching contract would be terminated.

17. The Defendants' statements were held out to be fact.

18. The statements referred to the Plaintiff.

19. The statements were defamatory.

20. The statements were false.

21. The Defendants were acting with actual malice when they made the statements.

22. Plaintiff first learned of the statements in April, 2015.

23. Plaintiff demanded a retraction from the Defendants within ninety (90) days from when the Plaintiff first learned of the defamatory statements.

24. Injury is presumed from the defamatory statements the Defendants made about the Plaintiff.

25. Plaintiff was injured by the defamatory statements the Defendants made about him. Among his injuries, Plaintiff has endured loss of income, pain and suffering, emotional distress, personal humiliation, injury to his reputation and mental anguish and suffering. Plaintiff will suffer future pain and suffering and loss of income as the result of the defamatory statements the Defendants made about him.

**VI.
JURY DEMAND**

26. Plaintiff demands a trial by jury and submits the appropriate fee.

**VII.
REQUEST FOR DISCLOSURES**

27. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant Stewart is requested to disclose, within fifty (50) days of service of this request, the information or material described in Texas Rules of Civil Procedure Rule 194.2 (a) – (l).

**VIII.
PRAYER**

28. Plaintiff requests that the Defendants be cited to appear and answer and that on final trial the Plaintiff have the following:

1. Judgment against the Defendants for nominal damages.
2. Judgment against the Defendants for general damages in a sum within the jurisdictional limits of the court.
3. Judgment against the Defendants for special damages in a sum within the jurisdictional limits of the court.
4. Judgment against the Defendants for exemplary damages in a sum within the jurisdictional limits of the court.
5. Pre-judgment and post-judgment interest as provided by law.
6. Costs of suit.
7. Such other and further relief that the Court deems just and proper.

Respectfully submitted,

By: 
MICHAEL VAN DEELEN

6014 Capella Park Drive,
Spring, TX 77379
(832) 562-0723
Plaintiff pro se

Unofficial Copy Office of Chris Daniel District Clerk